IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 18870 of 2007(U)

PETITIONER:

DAISILY, AGED 28 YEARS, S/O.ANTONY,
CHIRAYATH HOUSE, PALLIPPURAM, ERNAKULAM DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. STATE OF KERALA REPRESENTED BY ITS
SECRETARY (HOME), GOVT.SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE SUB INSPECTOR OF POLICE,
CHERPU POLICE STATION, THRISSUR DISTRICT.

3. THE CIRCLE INSPECTOR OF POLICE,
CHERPU, THRISSUR DISTRICT.

4. THE DEPUTY SUPERINTENDENT OF POLICE,
IRINJALAKKUDA, THRISSUR DISTRICT.

5. THE DISTRICT SUPERINTENDENT OF POLICE,
THRISSUR.

6. THE DISTRICT COLLECTOR,
THRISSUR.

7. THE ASST. EXCISE COMMISSIONER,
THRISSUR.

8. BALACHANDRAN, S/O.SANKARAN,
PERUPARAMBIL HOUSE, PERINCHERRY P.O.,
PALISSERY VILLAGE, THRISSUR TALUK.

9. VASUDEVAN, S/O.KOCHAKKAN,
KORAMBATH HOUSE, CHOWVVOOR P.O., PALISSERY,
THRISSUR.

BY GOVT. PLEADER, SRI. SALIM.P.A.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT. P1: COPY OF THE TODDY SHOP LICENSE NO.696/2007-08 IN RESPECT OF TODDY SHOP NO.13/2007-08 ISSUED BY THE ASST. EXCISE COMMISSIONER THRISSUR ON 12.6.2007.

EXT. P2: COPY OF THE PETITION DATED 13.6.2007 SUBMITTED BEFORE THE 2ND RESPONDENT WITH COPIES TO RESPONDENTS 3 TO 5.

/TRUE COPY/

P.A. TO JUDGE

JP

K.BALAKRISHNAN NAIR & T.R.RAMACHANDRAN NAIR, JJ.

Writ Petition (C) No.18870 of 2007-U

Judgment

Balakrishnan Nair, J.

The petitioner has approached this Court, feeling aggrieved by the obstruction caused by respondents 8 and 9 and their supporters against the running of a toddy shop (TS No.13/07-08 of Cherpu Excise Range). Ext.P1 is his licence. When the people of the locality started causing obstruction, he filed Ext.P2 representation before the Police, seeking protection. When the Police did not extend any help, this Writ Petition was filed, seeking the following reliefs :

> "*i. declare that the petitioner is entitled to get police protection as per the request in Ext.P2.*
>
> *ii. issue a writ of mandamus or other appropriate writ, order or direction commanding respondents 1 to 5 to give necessary and adequate police protection to the petitioner, toddy shop No.13 in Cherpu Excise Range covered by Ext.P1 licence, workers of the toddy shop, customers of the toddy shop and also to keep away the agitators, if any, 200 metres away from the gate of the*

toddyshop"

The learned Government Pleader upon instruction, submitted that the present shop is located in a thickly populated area and so, the people of the locality took up cudgels against the functioning of the shop. When the people started obstructing, the landlord also obstructed the functioning of the shop by closing the building. The learned Government Pleader further submitted that the petitioner agreed to shift the shop, but without doing that, he has approached this Court, by filing this Writ Petition. Though notice was served, the party respondents did not appear before this Court. As long as Ext.P1 licence is in force, the petitioner is entitled to run the shop without obstruction. But the people of the locality have got every right to hold demonstrations, public meetings and dharnas against the conduct of the shop. But, they cannot physically obstruct the ingress and egress of the customers. The Police shall ensure that any physical obstruction is removed. Further, the prayer of the petitioner that the people of the locality shall hold the demonstrations 200 metres away from the shop, is plainly untenable. He does not have any right in this regard and the Police do not owe any duty to him also. There are no statutory provisions in force, prohibiting demonstrations within 200 metres of a

toddy shop and authorising the Police to enforce that. Therefore, the local people are free to hold demonstrations before the toddy shop without causing obstruction to the ingress and egress of the workmen and the customers of the petitioner.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,JUDGE

25.09.2007 **T.R.RAMACHANDRAN NAIR, JUDGE**

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